

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**FRANZENIA SMITH-MCILLWAINE,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**PHILADELPHIA HOUSING  
DEVELOPMENT CORPORATION,**  
**Defendant.**

**NO. 12-6950**

**ORDER**

**AND NOW**, this 14th day of August, 2013, upon consideration of Defendant Philadelphia Housing Development Corporation's Motion to Partially Dismiss Plaintiff's Complaint (Document No. 4, filed February 19, 2013), Plaintiff Franzennia Smith-McIllwaine's Memorandum of Law in Opposition to Defendant's Motion to Partially Dismiss Plaintiff's Complaint (Document No. 6, March 4, 2013), Reply Memorandum in Further Support of Defendant Philadelphia Housing Development Corporation's Motion to Partially Dismiss Plaintiff's Complaint (Document No. 9, filed March 20, 2013), for the reasons set forth in the Memorandum dated August 14, 2013, **IT IS ORDERED** as follows:

1. That part of defendant's motion which seeks dismissal of plaintiff's claims of disparate treatment in the assignment of overtime and work duties is **DENIED**.
2. That part of defendant's motion which seeks dismissal of plaintiff's hostile work environment claims relating to acts before October 1, 2010 is **DENIED**. That part of defendant's motion which seeks dismissal of plaintiff's discrete discrimination or retaliation claims relating to acts before October 1, 2010 is **GRANTED**.
3. That part of defendant's motion which seeks dismissal of plaintiff's claims arising

out of the denial of a special performance evaluation and the termination of her employment is **DENIED**.

4. That part of defendant's motion which seeks dismissal of plaintiff's claim for punitive damages is **DENIED WITHOUT PREJUDICE** to defendant's right to seek reconsideration if warranted by the facts.

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled by the Court in due course.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

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**DuBOIS, JAN E., J.**